

raising, representation on various state-level boards, and ongoing education, information and technical assistance for and collaboration with families, the Idaho Department of Health and Welfare, the Idaho Department of Juvenile Correction, and the Idaho State Department of Education. The position of Executive Director for the Federation did not require licensure as a social worker.

4. In approximately July 2002, the Idaho Department of Health and Welfare conducted an audit of the Federation's use of grant monies. The audit concluded that said monies were spent without prior authorization of the Board.

5. On or about June 6, 2005, Respondent submitted an Alford plea to grand theft by unauthorized control, a felony, in State v. Kiener, Idaho Fourth Judicial District for Ada County Case No. H0401138. A true and correct copy of the Order Withholding Judgment and Order of Probation is attached hereto as Exhibit A.

6. Based upon the facts stated above, Respondent admits to a violation of the laws governing the practice of social work, specifically Idaho Code § 54-3211(1), for purposes of this and any future proceedings before the Board.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Claire P. Kiener, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in Section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice social work in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and

rules governing the practice of social work in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this Stipulation and Consent Order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. LMSW-1460 issued to Respondent Claire P. Kiener is hereby suspended for a period of twelve (12) months from the date of entry of the Board's Order. During the 12-month mandatory suspension period, Respondent shall not practice social work in the State of Idaho.

2. Respondent shall pay investigative costs and attorney fees in the amount of Five Hundred and No/100 Dollars (\$500.00) within thirty (30) days of the entry of the Board's Order.

3. Within one (1) year of the date of the Board's Order, Respondent shall satisfactorily complete a minimum of four (4) hours of continuing education focusing on general ethics. Respondent must receive prior approval by the Board as to both the sponsoring entity and continuing education for which she is seeking credit. Within thirty (30) days of completion of the continuing education, Respondent will provide certification of completion to the Board. Said four (4) hours of continuing education shall be in addition to continuing education requirements generally required for licensure.

4. At the conclusion of the 12-month suspension, Respondent's License No. LMSW-1460 shall be placed on supervised probation for a period of one (1) year. The conditions of probation are as follows:

a. Both the supervisor and the site of the supervised practice must receive preapproval by the Board. Successful completion of this one-year program of

supervised practice will be a prerequisite to reinstatement of Respondent's license without restriction.

b. The supervision shall include weekly one-hour meetings between Respondent and the supervisor to discuss work and boundary issues, and the supervisor shall provide a report the Board at the end of each six-month period of supervision.

c. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of social work in the State of Idaho.

d. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

e. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

f. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

5. In the event Respondent should leave Idaho for three (3) continuous months, or reside or practice outside of Idaho, Respondent must provide written notification to the Board of the date of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time that Respondent resides or practices outside Idaho shall not be applied to satisfy the suspension period or probationary period required by this Stipulation, or excuse Respondent's compliance with any other terms of this Stipulation.

6. At the conclusion of the one-year supervised probationary period and provided Respondent has complied with all other terms of this Stipulation and Consent Order, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Stipulation. The request shall not be

unreasonably withheld so long as Respondent establishes compliance with all terms of this Stipulation.

7. All costs associated with compliance with the terms of this Stipulation and Consent Order are the sole responsibility of Respondent.

8. The violation of any of the terms of this Stipulation and Consent Order by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation and Consent Order shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative Complaint will be filed. By signing this document, Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the Complaint based on the fact that the Board has considered and rejected this settlement agreement. Pursuant to Idaho Code § 67-5252, Respondent retains the right to otherwise challenge the impartiality of any Board member to hear the allegations in the Complaint based upon bias, prejudice, interest, substantial prior involvement in the case or any other reason provided by law or for any cause for which a judge is or may be disqualified.

3. If the Board does not accept this Stipulation and Consent Order then, except for Respondent's waiver set forth in Paragraph D(2), above, it shall be regarded as null and void. Admissions by Respondent in this Stipulation and Consent Order will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. With the exception of Paragraph D(2), above, which becomes effective

upon Respondent signing this document, this Stipulation and Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-3211. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether or not Respondent has defaulted under this agreement. The Chief shall also serve notice of the default hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of default hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations of default will be deemed admitted.

b. At the default hearing, the Board and Respondent may submit affidavits made on personal knowledge and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the default hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

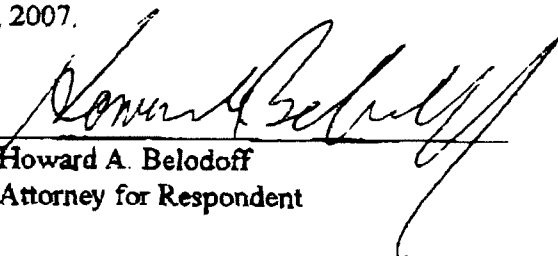
DATED this 8th day of January 2007.



Claire P. Kiener
Respondent

I concur in this stipulation and order.

DATED this 9th day of January 2007.



Howard A. Belodoff
Attorney for Respondent

I concur in this stipulation and order.

DATED this 9th day of February, 2007.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Emily A. Mac Master
Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3204, the foregoing is adopted as the decision of the Board of Social Work Examiners in this matter and shall be effective on the 2nd day of April, 2007. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF SOCIAL WORK EXAMINERS

By Robert Payne
Robert Payne, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Claire P. Kiener
2915 N. Caradoc Street
Boise, ID 83704

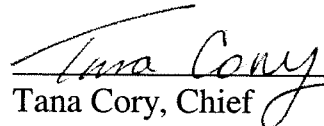
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____

Howard A. Belodoff
BELODOFF LAW OFFICE
1524 W. Hayes Street, Suite 2
Boise, ID 83702

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses

137.
RECEIVED
DISTRICT 4

JUN 07 2005

PROBATION & PAROLE

RECEIVED

JUL 11 2005

Ada County Clerk

NO. _____ FILED
A.M. _____ P.M. 2:24

JUN 06 2005

J. DAVID NAVARRO, Clerk
By [Signature]
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

CLAIRE PATRICIA KIENER,

DOB: [REDACTED]

SS#: [REDACTED]

Defendant.

Case No. H0401138

ORDER WITHHOLDING
JUDGMENT AND ORDER
OF PROBATION

WHEREAS, on the 26th day of August, 2005, CLAIRE PATRICIA KIENER was arraigned before the Honorable Mike Wetherell, District Judge, for the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and charged with the crime of GRAND THEFT BY UNAUTHORIZED CONTROL, FELONY, I.C. § 18-2403(3), 2407(1)(b);

AND WHEREAS, through due process of law, the said defendant, CLAIRE PATRICIA KIENER, plead guilty to the offense of GRAND THEFT BY UNAUTHORIZED CONTROL, FELONY, I.C. § 18-2403(3), 2407(1)(b) as charged in the Information, and requests probation from said District Court.

AND WHEREAS, the said District Court, having ascertained the desirability of granting the petition of probation, does hereby order and decree that the said defendant, CLAIRE PATRICIA KIENER, be granted probation for the term of [REDACTED] days.

ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION - Page 1

Exhibit A

Page 1 of 3

STATE OF IDAHO } SS.
COUNTY OF ADA }
J. David Navarro, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this [REDACTED] day of [REDACTED] 2005.
J. DAVID NAVARRO, Clerk
[Signature]
Deputy

PATRICIA KIENER, be placed on probation and sentence is hereby withheld for a period of three (3) years under the following conditions, to-wit:

A. That the probation is granted to and accepted by the probationer, subject to all its terms and conditions and with the understanding that the Court may at any time, in case of the violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit to hand down.

B. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court with supervised probation and subject to the rules of probation as prescribed by the Board of Correction and the District Court.

C. That during said period of probation the said defendant shall not violate any law or ordinance of the United States or any City, State or County therein, wherein a fine or bond forfeiture of more than \$100.00 or a jail term could have been imposed as a penalty.

D. Special conditions, to wit:

1. Defendant shall pay the sums set out in this judgment for fines, fees, restitution, costs, etc., to the Ada County Clerk's Office in reasonable monthly installments as arranged with the probation officer;
2. Defendant shall serve one (1) day in the Ada County Jail, with credit for one (1) day served, leaving a balance of zero (0) days to serve;
3. Defendant shall participate in any and all programs of rehabilitation recommended by her probation officer, including but not limited to programs of mental health and criminal thinking errors;
4. During the entire term of probation, the said defendant shall maintain steady employment, be actively seeking employment or be enrolled as a full-time student. Further, defendant shall not terminate employment unless she has secured other employment;

5. Defendant shall not purchase, carry or have in her possession any firearm(s) or other weapons;
6. Department of Probation and Parole shall be authorized, but not required, to consider the defendant for placement on intense supervision;
7. If the defendant requests that supervision of probation be transferred to any place other than the Fourth Judicial District (either within or outside Idaho), by doing so, the defendant agrees that any documents purportedly received from the agency supervising the defendant shall be admissible into evidence at a probation violation hearing without the state having to show that such evidence is credible and reliable, and the defendant shall waive any right to confront the author of such documents;
8. Defendant shall serve an additional one hundred eighty (180) days in the Ada County Jail at the discretion of the probation officer, without prior approval of the Court. The probation officer has the discretion and authority to immediately deliver defendant to the Sheriff for incarceration in the county jail for the purpose of having defendant serve this discretionary time and the Sheriff shall commit the defendant to serve this time on request of the probation officer without further order from the Court; The probation officer shall immediately file with the Court a written statement of the reasons defendant has been placed in custody, for review by the Court. The probation officer shall have all options available including work release and S.I.L.D.;
9. Defendant shall not purchase, possess or consume any alcoholic beverages while on probation;
10. Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor;
11. Defendant shall not frequent establishments where alcohol is the main source of income;
12. Defendant shall not associate with individuals specified by her probation officer;
13. Defendant agrees to tests of blood, breath, saliva or urine or other chemical tests for the detection of alcohol and/or drugs at the request of her probation officer, to be administered at defendant's own expense. In addition, defendant is to submit to any field sobriety evaluations requested by a law

enforcement officer and shall submit to any test of her blood, breath or urine offered by a law enforcement officer for D.U.I. detection;

14. Upon request of her probation officer, defendant agrees to submit to polygraph examinations administered by qualified examiners and limited in scope to those matters which are calculated to determine whether defendant is complying with the lawful conditions of her probation;
 15. Defendant agrees to waive her Fourth Amendment rights applying to search and seizure as provided by the Fourth Amendment of the Constitution, and to submit to a search by her probation officer or any law enforcement officer of her person, residence, vehicle or other property upon request;
 16. Defendant shall waive her Fifth Amendment rights to the extent that she must answer truthfully all questions of a probation officer reasonably related to compliance or non-compliance with the conditions of probation;
 17. Defendant shall waive her Sixth Amendment rights of confrontation in so far as the State may use reliable hearsay evidence at any probation violation hearing;
 18. Defendant shall have no contact with the victim of her offense;
-
19. Defendant shall perform two hundred (200) hours community service and pay any fee required;
 20. Defendant shall submit a monthly financial/budget report to her probation officer and provide verification of expenses/income when requested;
 21. Defendant is to advise her employer or any future employer, in writing, of this conviction, including the statement that she is on felony probation for an embezzlement offense.
 22. Defendant is advised that in the event she violates her probation and any such violations are admitted or proven, the Court may revoke the withheld judgment and impose a sentence of up to fourteen (14) years in prison and a fine up to \$5,000.00, or both.

E. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A DESTINATION OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF THE STATE OF IDAHO WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF PROBATION AND PAROLE DOES HEREBY WAIVE EXTRADITION TO THE STATE OF IDAHO AND ALSO AGREES THAT THE SAID PROBATIONER WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO THE STATE OF IDAHO.

That pursuant to Idaho Code Section 31-3201A(b) the defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$6.00 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$5.00 pursuant to I.C. § 31-3201(5); \$50.00 to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$500.00 for reimbursement of public defender fees pursuant to I.C. § 19-854(c); and community service fee (\$.60 per hour) as required by I.C. § 31-3201C.

That pursuant to Idaho Code Section 19-5304 the defendant shall pay the remaining restitution to the victim in the amount of \$972.30, to be paid through the Clerk of the District Court as arranged through the probation officer. The Court notes that the defendant has already paid \$6,000.00 in restitution.

Further, defendant is to pay supervision of probation and parole costs in an amount not to exceed the maximum allowable by I.C. § 20-225.

Pursuant to I.C. § 18-309, defendant shall receive credit for one (1) day served in prejudgment incarceration.

This probation shall expire at midnight on June 1, 2008, unless otherwise ordered by the Court.

Done in open court this 2nd day of June, 2005.


MIKE WETHERELL

District Judge

STATE OF IDAHO } SS.
COUNTY OF ADA }

I, J. David Navarro, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 2nd day of June, 2005.

J. DAVID NAVARRO, Clerk

Deputy

STATE OF IDAHO } SS.
COUNTY OF ADA }

I, J. David Navarro, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 2nd day of June, 2005.

J. DAVID NAVARRO, Clerk


Deputy

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Claire Kuma
Probationer

7/7/05
Date of Acceptance

R. J. [Signature]
Probation Officer

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of June, 20 05, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By 
Deputy Court Clerk